

Serial No. 10/791,541
Art Unit 1774

Amendment A

Remarks:

Responsive to the Official Action mailed April 6, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-12 in view of the following remarks. Applicant acknowledges the election of claims 1-12 in the present application. Claims 13-20 have been withdrawn until such time that the present application is identified as containing allowable subject matter.

The Examiner has rejected claims 1-12 under 35 U.S.C. §103(a) as unpatentable over Young, U.S. Patent No. 4,861,644 in view of Schultz, U.S. Patent No. 6,825,279. The Examiner has characterized Young as disclosing a printed microporous material comprising a microporous material substrate containing an ultra high molecular weight polyethylene and a printing ink on the substrate. The Examiner concedes that Young fails to disclose a layer of a film forming polymer between the substrate and the ink, but cites to Schultz for its teaching of a printable media comprising a substrate and an image receptive layer (on the substrate) in which the image receptive layer is a binder (such as acrylic acid and styrene copolymer with acrylic acid). The Examiner concludes stating that Young and Schultz are analogous art and that it would have been obvious to one of skill in the art to combine the image receptive layer of Schultz with the "invention" of Young to capture most of the ink colorant near a first major surface of the ink receptive layer while allowing most of a fluid vehicle of the ink to pass through the ink receptive layer.

Applicant respectfully traverses this rejection. First, the present invention is directed to an in-mold label composition. That is, the present invention is an in-mold composition for transferring indicia such as printing to a molded object. It is not directed merely to a printing (as is Young) or to a printable sheet for use in a passport (as is Schultz). Rather, the present invention is used to make a label composition that is inserted into a mold to transfer the label (indicia) to the molded object. As such, it is applicant's position that the present invention is from a field far removed from the cited references.

Second, it is applicant's position that there is nothing in the cited patents that would suggest to one of skill in the art to combine the substrate of Young with the "image receptive layer" of Schultz. In fact, a careful reading of Schultz would lead one skilled in the art to apply the image

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receptive layer only to paper such as that used in passports. That is there is nothing to suggest the use of an image receptive layer for anything other than paper.

In order to provide a *prima facie* showing of obviousness, it is incumbent upon the Patent Office to provide a *showing* of a motivation, teaching or suggestion in the cited documents, to make the claimed invention. Applicant submits that no such showing has been made in the present Action. Rather, it is only with 20-20 hindsight that the Examiner can support any assertion that the claimed invention would have been obvious to one of skill in the art. The Examiner's reasoning, although plausible, is simply not supported by the disclosures of the Young or Schultz patents.

Accordingly, Applicant submits that pending claims 1-12 are allowable over the art of record in that the Examiner has failed to make a *prima facie* showing of obviousness, and respectfully requests that the present application is allowable over the art of record, for which early indication is earnestly solicited.

Applicant believes that no fee is due in connection with the present Amendment A. The Commissioner is, however, authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By

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